

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14-cv-12-RJC**

LAWRENCE ALAN HABERMAN, )  
                                )  
Plaintiff,                 )  
                                )  
                                )  
v.                            )  
                                )  
BANC OF AMERICA,         )  
                                )  
Defendant.                 )  
                                )  
\_\_\_\_\_ )

**THIS MATTER** comes before the Court on Plaintiff's Motion for Reconsideration, (Doc. No. 35), and Defendant's Response in Opposition, (Doc. No. 36).

The Court previously found that Plaintiff failed to perfect service on Defendant, but granted a twenty-one day extension to meet the requirements of Federal Rule of Civil Procedure 4 because he demonstrated good cause for the failure. (Doc. No. 17). However, Plaintiff failed to perfect service on Defendant, and on September 15, 2016, the Court granted Defendant's Motion to Dismiss and dismissed Plaintiff's Complaint without prejudice. (Doc. No. 33). Plaintiff now moves for the Court to reconsider pursuant to Rule 60(b) of the Federal Rules of Civil Procedure.

The disposition of motions under Rule 60(b) is a matter within the discretion of the district court. Werner v. Carbo, 731 F.2d 204, 206 (4th Cir. 1984). A party seeking relief under Rule 60(b) must make a showing of timeliness, a meritorious defense, a lack of unfair prejudice to the opposing party, and exceptional circumstances. *Id.* at 206–07. Plaintiff fails to present any meritorious defense or exceptional circumstances. The Court finds, therefore, that Plaintiff has not made the requisite showing that he is entitled to relief pursuant to Rule 60(b).

Accordingly, his Motion must be **denied**.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion for Reconsideration, (Doc. No. 35), is **DENIED**.

Signed: March 29, 2016



Robert J. Conrad, Jr.  
United States District Judge

